

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**No. CR 05-1849 JH**

**DENNIS WILSON, et. al,**

**Defendants.**

**ORDER GRANTING DEFENDANT DANA JARVIS'S MOTION  
FOR ORDER OF DESIGNATION**

THIS MATTER comes before the Court on Defendant Dana Jarvis's Motion for Order of Designation Under 28 U.S.C. § 636(b)(1)(A) to Chief Magistrate Garcia For Resolution of Specific Question [Doc. 1154]. No response is necessary.

On November 20, 2007, the Court conducted a hearing on Defendant Jarvis ("Jarvis")'s Motion to Dismiss [Doc. 1076]. Over Jarvis's objection and over his Motion to Quash Subpoena, the Court permitted the testimony of attorney Robert Gorence ("Gorence") on the limited issue of whether or not Gorence would have entered his appearance in this case on behalf of Jarvis if the Court had released the Mora property. Gorence testified that he would not have represented Jarvis if the Mora property alone had been released, because it was not of sufficient value to pay his legal fees.

Jarvis contends that he was unable to conduct a full cross-examination of witness Gorence due to attorney-client privilege issues. He states that when his counsel began to cross-examine Gorence as to certain documents listed in the privilege log, the Government objected and defense

counsel was unable to articulate the relevance of the privileged material, without disclosing confidential information. Jarvis's counsel then proposed that an *in camera* review of the material in the privilege log, by a Magistrate Judge, would be an appropriate way of addressing the issue without waiving any privileges as to the documents in question. The Court then suggested that Jarvis file a motion seeking such a designation.

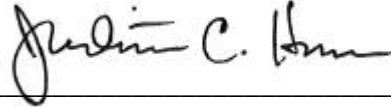
This Motion for Order of Designation followed, Jarvis asking that the Chief Magistrate Judge "determine whether the materials detailed in the privilege log rebut or impeach Mr. Gorence's testimony." [Doc. 1154, at 5]. Jarvis also set forth a detailed suggested procedure for Judge Garcia's review and proposed that the Motion be made an attachment to the Order of Designation.

The Court will grant the Motion but will deny the request that Defendant's detailed suggested procedures be made part of the Order. Judge Garcia will conduct the review in the manner he determines best suited to the issues that are to be determined.

IT IS THEREFORE ORDERED that Defendant Jarvis's Motion to for Order of Designation [Doc. 1154] is granted. The Court hereby designates Chief Magistrate Judge Lorenzo F. Garcia to conduct an *in camera* review of the material set forth in Defendant's privilege log for the purpose of determining whether the materials detailed in the privilege log rebut or impeach Mr. Gorence's testimony that he would not have represented Defendant Jarvis if the Court had released only Jarvis' Mora County property.

IT IS FURTHER ORDERED that Defendant Jarvis must submit to Judge Garcia's chambers, within five days of the date of this Order, a copy of the privilege log, copies of the actual documents referred to in the log, and a copy of the transcript of the November 20, 2007 at which Robert Gorence testified.

IT IS FURTHER ORDERED that Judge Garcia will review the materials for the purpose specified and make a report to the undersigned District Judge within a reasonable period of time following receipt of the materials.

A handwritten signature in black ink, appearing to read "Justin C. Han", is written over a horizontal line. A vertical line extends upwards from the right end of the horizontal line.

**UNITED STATES DISTRICT JUDGE**